

**Senate File 516 - Introduced**

SENATE FILE 516  
BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1198)

**A BILL FOR**

1 An Act relating to the management of open space properties and  
2 recreational trails.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 465A.2, Code 2023, is amended by striking  
2 the section and inserting in lieu thereof the following:

3 **465A.2 Open space maintenance, protection, and acquisition**  
4 **— agency duties.**

5 1. For purposes of this chapter, unless the context  
6 otherwise requires:

7 a. *“Department”* means the department of natural resources.

8 b. *“Open space property”* includes lakes, streams, wetlands,  
9 forests, prairies, preserves, hatcheries, wildlife areas,  
10 parks, grazing land, and tillable land.

11 2. The department shall prepare and conduct new education  
12 and awareness programs designed to create greater public  
13 understanding of the needs, issues, and opportunities for  
14 protecting the state’s significant open spaces. The department  
15 shall incorporate the recommendations of other state agencies  
16 and private sector organizations that have interests in open  
17 space protection. The department may enter into contracts  
18 with other agencies and the private sector in preparing and  
19 conducting these programs.

20 3. The department shall prepare a statewide, long-range  
21 plan that shall prioritize the maintenance and protection  
22 of significant open space property throughout the state.  
23 The plan shall also include the department’s criteria for  
24 identifying high-priority open space properties for potential  
25 acquisition, but shall require the department to first consider  
26 and prioritize available partnership programs with private  
27 landowners as an alternative to acquiring new property. The  
28 department shall review the plan every five years and amend  
29 the plan as necessary. The department of transportation, the  
30 department of economic development, private organizations,  
31 county conservation boards, city park and recreation agencies,  
32 and federal agencies with lands in the state shall be directly  
33 involved in preparing and reviewing the plan. The plan shall  
34 include but is not limited to the following elements:

35 a. Specific maintenance, protection, and acquisition needs

1 and priorities for open space areas based on the following  
2 sequence of priorities:

- 3 (1) National.
- 4 (2) Regional.
- 5 (3) Statewide.
- 6 (4) Local.

7 *b.* Identification of open space maintenance, protection,  
8 and acquisition techniques available or needed to carry out the  
9 plan.

10 *c.* Additional education and awareness programs that are  
11 needed to encourage the maintenance and protection of areas  
12 identified in the plan.

13 *d.* Management needs including maintenance, rehabilitation,  
14 and improvements.

15 *e.* Funding levels needed to maintain and protect open space  
16 property and the funding levels that may be necessary for the  
17 acquisition of open space property.

18 *f.* Recommendations as to how federal programs can be  
19 modified or developed to assist the state in maintaining,  
20 protecting, and potentially acquiring open space property.

21 4. The department shall maintain and protect, and may  
22 acquire, open space property as identified by priority in  
23 the plan as funding is made available for this purpose. In  
24 maintaining, protecting, and acquiring open space property, the  
25 department shall:

26 *a.* Accept applications for funding assistance from federal  
27 agencies, other state agencies, regional organizations, county  
28 conservation boards, city park and recreation agencies, and  
29 private organizations with an interest in open space property.

30 *b.* Obtain the maximum efficiency of funds appropriated for  
31 maintaining, protecting, and acquiring open space property  
32 through the use of maintenance, protection, and acquisition  
33 techniques that provide the degree of protection required at  
34 the lowest cost.

35 *c.* Encourage the provision of supporting or matching funds,

1 but the absence of these funds shall not prevent the approval  
2 of those projects of clear national importance.

3 5. The department may enter into contracts with private  
4 consultants for preparing all or part of the plan required  
5 under subsection 3. The plan shall be submitted to the general  
6 assembly by July 1, 2024. Prior to submission of the plan to  
7 the general assembly, the department shall request comments on  
8 the proposed plan from state and federal agencies and private  
9 organizations with interests in open space protection. The  
10 comments shall be submitted to the general assembly with the  
11 plan.

12 Sec. 2. Section 465A.3, subsection 2, Code 2023, is amended  
13 to read as follows:

14 2. The department may enter into agreements with other  
15 state agencies, political subdivisions of the state, and  
16 private organizations for the purposes of ~~carrying out this~~  
17 ~~natural open space program or specific elements of the program~~  
18 maintaining, protecting, and acquiring open space property.

19 Sec. 3. Section 465B.2, Code 2023, is amended by striking  
20 the section and inserting in lieu thereof the following:

21 **465B.2 Trail development — department duties.**

22 1. The state department of transportation shall undertake  
23 the following actions to develop recreational trails in this  
24 state:

25 a. Prepare a long-range plan for the development, promotion,  
26 management, and acquisition of recreational trails throughout  
27 the state. The plan shall identify needs and opportunities  
28 for recreational trails of different kinds having national,  
29 statewide, regional, and multicounty importance. The  
30 department of transportation shall review the plan every five  
31 years and amend the plan as necessary. Recommendations in the  
32 plan shall include but not be limited to:

33 (1) Specific acquisition needs and opportunities for  
34 different types of trails with emphasis on connecting existing  
35 trails.

1 (2) Development needs including trail surfacing, restrooms,  
2 shelters, parking, and other needed facilities.

3 (3) Promotional programs that will encourage Iowans and  
4 state visitors to increase use of trails.

5 (4) Management activities including maintenance,  
6 enforcement of rules, and replacement needs.

7 (5) Funding levels needed to accomplish the statewide  
8 trails objectives.

9 (6) Ways in which trails can be more fully integrated with  
10 parks, cultural sites, and natural resource sites.

11 *b.* Include, within the plan, recommendations for standards  
12 for establishing functional classifications for all types  
13 of recreational trails, including a system for determining  
14 jurisdictional control over trails. Levels of jurisdiction  
15 may be vested in the state, counties, cities, and private  
16 organizations.

17 2. *a.* The state department of transportation may  
18 enter into contracts for the preparation of the trails  
19 plan. The department of transportation shall involve the  
20 department of natural resources and the Iowa department of  
21 economic development in the preparation of the plan. The  
22 recommendations and comments of organizations representing  
23 different types of trail users and others with interests  
24 in recreational trails shall also be incorporated in the  
25 preparation of the trails plan and shall be submitted with the  
26 plan to the general assembly. The plan shall be submitted to  
27 the general assembly no later than January 15, 2024. Existing  
28 trail projects involving development or acquisition may receive  
29 funding prior to the completion of the trails plan.

30 *b.* The department of transportation shall give priority  
31 to funding maintenance projects and the development of trail  
32 portions that will complete segments of existing trails, which  
33 may include acquisition after the department first considers  
34 and prioritizes available partnership programs with private  
35 landowners as an alternative to acquiring new property. The

1 department shall only consider and approve proposals for the  
2 establishment or expansion of a recreational trail when the  
3 entity sponsoring the establishment or expansion project  
4 demonstrates to the department how the trail will be maintained  
5 using federal, local, or private revenue sources. When  
6 acquiring trail routes, the department of transportation shall  
7 give preference to the acquisition of trail routes that use  
8 existing or abandoned railroad rights-of-way, river valleys,  
9 and natural greenbelts. Multiple recreational uses of routes  
10 for trails, other forms of transportation, utilities, and other  
11 uses compatible with trails shall be given priority.

12 c. The department of transportation may acquire property by  
13 negotiated purchase and hold title to property for development  
14 of trails. The department of transportation may enter into  
15 agreements with other state agencies, political subdivisions  
16 of the state, and private organizations for the planning,  
17 development, promotion, management, operations, maintenance,  
18 and potential acquisition of recreational trails.

19 3. The department of transportation may adopt rules under  
20 chapter 17A to carry out a trails program.

21 Sec. 4. REPEAL. Sections 465A.1 and 465B.1, Code 2023, are  
22 repealed.

23

#### EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill relates to the management of open space properties  
27 and recreational trails. Current law establishes programs  
28 to acquire and protect open space properties and acquire and  
29 develop recreational trails with specified acquisition targets  
30 for each program. The bill repeals those programs and the  
31 respective statements of purpose.

32 Current law requires the department of natural resources  
33 (DNR) to develop a long-term plan for the acquisition and  
34 protection of significant open space lands throughout the  
35 state. The plan was to be submitted to the general assembly

1 by July 1, 1988. The bill replaces that requirement with a  
2 requirement to submit to the general assembly a new long-term  
3 plan for the maintenance, protection, and acquisition of  
4 significant open space property throughout the state by July  
5 1, 2024. DNR shall review the plan every five years and amend  
6 the plan as necessary.

7 Current law requires the state department of transportation  
8 (DOT) to prepare a long-range plan for the acquisition,  
9 development, promotion, and management of recreational trails  
10 throughout the state. The plan was to be submitted to the  
11 general assembly by January 15, 1988. The bill replaces  
12 that requirement with a requirement to submit to the general  
13 assembly a new long-range plan for the development, promotion,  
14 management, and acquisition of recreational trails throughout  
15 the state by January 15, 2024. DOT shall review the plan every  
16 five years and amend the plan as necessary.